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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO  
13

14	UNITED STATES OF AMERICA,	)	Case No.06-00374 (SBA)
15	Plaintiff,	)	STIPULATION AND ORDER
16	v.	)	REGARDING PRETRIAL DEADLINES
17	SYNPEP CORPORATION and CHI	)	AND FILINGS
18	YANG,	)	Pretrial Conference: September 22, 2009
19	Defendants.	)	Trial Date: October 5, 2009

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21 The Court has set this matter for trial on October 5, 2009 and has set the pretrial  
22 conference for September 22, 2009 at 9:00 a.m.

23 The parties have met and conferred on various pretrial and trial issues. Subject to the  
24 Court's calendar, the parties propose the following pretrial schedule:

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28 Stip & Order re Pretrial Dates  
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1 **Substantive Motions**

2 At present, the defense plans to file a motion to dismiss the superceding indictment.  
3 Additional motions may be contemplated as the litigation progresses. The parties respectfully  
4 request the following schedule:

- 5 • June 16, 2009 – defendants to file moving papers
- 6 • June 30, 2009 – government oppositions are due
- 7 • July 7, 2009 – defendants’ reply briefs are due
- 8 • July 14, 2009 – hearing on the motions

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10 Subject to the Court’s calendar, the parties propose the following pretrial schedule:

11 **Expert Disclosures**

12 Both sides expect to call expert witnesses at trial. The parties have met and conferred  
13 and agree that the government is to provide expert witness notice on July 15, 2009 and the  
14 defense is to provide expert witness notice on August 12, 2009. The parties acknowledge that  
15 additional motions may be filed post disclosures.

16 **Pretrial Conference and Pretrial Filings**

17 The pretrial conference has been scheduled for September 22, 2009. Pursuant to the  
18 Court’s standard practice, the parties propose that the government serve and file the following by  
19 September 1, 2009:

- 20 (1) Trial memorandum briefly stating the legal basis for the charges and the  
21 anticipated evidence, and addressing any evidentiary or other anticipated legal  
22 issues;
- 23 (2) List of all witnesses which may be called together with a brief summary of the  
24 testimony of each;
- 25 (3) Requested jury instructions - the parties shall file a **joint** set of jury  
26 instructions as to those instructions on which the parties have reached agreement.  
As to any disputed instructions, each party shall separately submit its "proposed"  
27 instruction(s) supported by a memorandum setting forth the authority for its use.  
Responses or objections to any "proposed" jury instruction shall be filed no later  
28 than the date of the pretrial conference.

Stip & Order re Pretrial Dates  
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1 (4) Proposed voir dire of the jury panel;

2 (5) Proposed form of verdict:

3 (6) Serve copies of all exhibits to be offered at trial together with a completed list  
4 of exhibit. Each item shall be premarked using the form of marker attached;  
5 generally, the government will use numbers, defendant letters. The Court requires  
6 one original version of exhibits for the Clerk and two copies (one for the Bench  
7 and one for the witness stand). All such versions of the exhibits, including the  
8 originals, should be indexed into a binder for easy and quick reference by all  
9 parties. The first page of each binder should have a copy of the exhibit list  
10 appropriately completed with each exhibit description and its designated number  
11 or letter. Exhibits should be brought to Court on the first day of trial.

12 No later than September 1, 2009, the defense shall comply with paragraphs (3) and (4),  
13 above, and, to the extent consistent with the defendant's right to an effective defense, with  
14 paragraphs (1), (2) and (6).

15 **Motions in Limine**

16 The parties intend to confer concerning foreseeable evidentiary issues, including  
17 stipulations and motions in limine. For those disputes that cannot be resolved, the parties will file  
18 motions in limine, pursuant to the Local Rules. For those matters which in good faith are subject  
19 to motions in limine, the parties propose that such motions be filed by September 7, 2009, and  
20 oppositions to such motions to be filed by September 14, 2009, for hearing at the pretrial  
21 conference.

22 **Discovery/Grand Jury/Jencks Material**

23 The parties agree to make timely and ongoing discovery of Rule 16 material. The  
24 government agrees to provide the defense with all grand jury material and Jencks  
25 material by September 8, 2009.

26 JOSEPH P. RUSSONIELLO  
27 Acting United States Attorney

28 DATED:

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/s/  
IOANA PETROU  
Assistant United States Attorney

Stip & Order re Pretrial Dates  
Case No.06-00374 (SBA)

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DATED:

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NANCI CLARENCE  
Attorney for SynPep Corporation and Chi  
Yang

**ORDER**

Based on good cause, as set forth above, IT IS SO ORDERED.

Dated: 6/8/09

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*Saundra B. Armstrong*  
SAUNDRA BROWN ARMSTRONG  
United States District Cour Judge

Stip & Order re Pretrial Dates  
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